

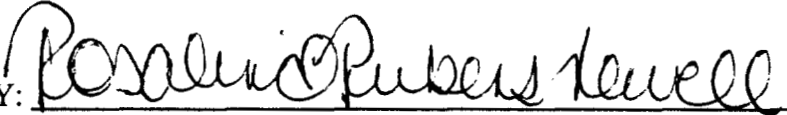
Entered -06-12-00 - sb  
CL 00L0337 - ALEXIS HOLMES

00-*R*-1769

CLAIM OF: **CARLTON GREGORY, SR**  
**Patrick R. Matarrese, Esq.**  
**MONTLICK & ASSOCIATES**  
**17 Executive Park Drive**  
**Suite 310**  
**Atlanta, Georgia 30347-0406**

For personal injury and vehicular damages alleged to have been sustained from a police pursuit involving the Austell, the DeKalb, and the City of Atlanta Police Departments, on December 26, 1999, on Memorial Drive and Covington Highway.

**THIS ADVERSED REPORT IS  
APPROVED:**

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0337

Date: 10/19/00

Claimant /Victim CARLTON GREGORY, SR.

BY: (Atty) PATRICK R. MATARRESE, ESQ., MONTLICK & ASSOCIATES.

Address: 17 Executive Park Drive - Suite 310 P.O. Box 95406 - Atlanta, Georgia 30347-0406

Subrogation:            Claim for Property damage \$            Bodily Injury \$4,200.00

Date of Notice: 6/02/00 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)           

Date of Occurrence 12/26/99 Place: Memorial Drive and Covington Highway

Department POLICE Division:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The Claimant alleges that his car was severely damaged in an automobile collision as a result of a vehicular pursuit involving Austell, DeKalb and City of Atlanta Police Departments. An investigation determined that Claimants' vehicle was struck by a 1989 Buick LaSabre that was fleeing Police. The City is not responsible for the tort actions of third parties. Furthermore, under O.C.G.A. § 36-33-3, the City of Atlanta is not liable for tort actions of its police or other officers.

### INVESTIGATION:

Statements: City employee            Claimant X Others            Written            Oral           

Pictures            Diagrams            Reports: Police X Dept Report            Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

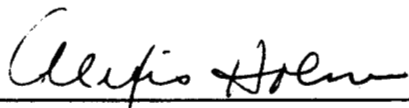
Improper Notice            More than Six Months            Other            Damages reasonable           

City not involved X Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01           

Claims Manager:  Concur/date 10-19-00

Committee Action:            Council Action

**MONTLICK & ASSOCIATES, P.C.**  
**ATTORNEYS AT LAW**

17 EXECUTIVE PARK DRIVE • SUITE 310  
P.O. BOX 95406 • ATLANTA, GEORGIA • 30347-0406  
TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

May 31, 2000

ENTERED - 6-12-00 - SB  
00L0337 - DOBBS JORDAN

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Bill Campbell  
Mayor, City of Atlanta  
2400 City Hall  
55 Trinity Ave, SW  
Atlanta, Georgia 30335

Clifford Hardwick  
City Attorney of Atlanta  
4100 City Hall Tower  
68 Mitchell Street  
Atlanta, Georgia 30335

Beverly Harvard  
Chief of Police  
Atlanta Police Department  
175 Decatur Street  
Atlanta, Georgia 30335

RE: **ANTE LITEM NOTIFICATION**  
**Pursuant to O.C.G.A. §§ 36-33-5 & 50-21-26**

Our Client: Carlton Gregory, Jr.; Julon Gregory,  
Christopher White and Carlton  
Gregory, Sr.

Date of Incident: December 26, 1999

Location: Joe Jerkins Blvd. Austell, Georgia  
through intersection of Memorial  
Drive and Covington Highway,  
Decatur Georgia.

Dear Sirs and Madam:

Please be advised that this firm represents the interests of Carlton Gregory, Jr.; Julon Gregory; Christopher White and Carlton Gregory Sr. for injuries received as a result of an incident on December 26, 1999. This letter shall constitute ante litem notice pursuant to applicable statutes.

**FACTS**

On or about December 26, 1999, at or about 11:20 p.m., just one day after Christmas, Julon Gregory was operating a 1990 Geo Prizm, owned by Carlton Gregory, Sr. Carlton Gregory, Jr. and Christopher White were passengers in the subject 1990 Geo Prizm, seated in the back seat. Mr. Gregory's vehicle was proceeding under a green light through the intersection of Memorial Drive and Covington Highway, Dekalb County, Georgia when suddenly and without warning his vehicle was broadsided at a high rate of speed by a 1989 Buick LeSabre motor vehicle operated by Keeon J. Almon. At time of the collision, Keeon J. Almon was being

Carlton, Jr. was rushed by ambulance to Dekalb Medical Center where CT scans demonstrated a C4 on C5 cervical vertebrae subluxation and C5 fracture with C4 facet fracture. Carlton, Jr. was then transferred to Eggleston Children's Hospital for further medical care.

Upon admission to Eggleston Children's Hospital, a MRI was performed which revealed a 20-degree angulation on C4 and C5 and an associated 5-mm subluxation. On December 29<sup>th</sup>, the treating physician performed an external reduction of the subluxation using a halo traction modality. A few days later another MRI was performed that showed continued subluxation with a traumatic disk herniation. The herniation was pressing upon the spinal cord.

On January 5, 2000, Orthopaedic surgeons performed invasive surgery instituting a C3 through C5 arthrodesis with auto graft lateral mass plating. Carlton, Jr. remained in the pediatric intensive care unit until January 10, 2000. Carlton endured a most serious and painful injury, celebrated the transition into the year 2000 in the intensive care ward, and was millimeters away from complete paralysis. Carlton Jr. will be compromised for the rest of his life as a direct result of his injuries.

We are enclosing copies of Carlton's medical records and billing statements that we have obtained to date from Dekalb County EMS, Dekalb Medical Center, Radiology Associates of Dekalb, Eggleston Children's Hospital, the Emory Clinic - Pediatric Neurosurgery for your review. We will provide you with additional medical records and bills, as they become available.

*Carlton's medical expenses are in the approximate amount of \$47,137.*

**JULON GREGORY:**

Julon and Carlton are brothers. Julon is seventeen years old. Julon Gregory suffered chest wall contusion, neck, shoulder head and back soft tissue injuries.

We are enclosing the medical records and billing statements we have obtained to date from Dekalb Medical Center, Radiology Associates of Dekalb and Rehab Orthopedic Medicine regarding treatment for Julon's injuries.

*Julon's medical expenses are in the approximate amount of \$2,458.*

**CHRISTOPHER WHITE:**

Christopher White was a passenger in Julon Gregory's motor vehicle. Christopher suffered contusions and soft tissue injuries. Christopher was treated at Dekalb Medical Center. We will provide you with copies of Christopher's medical records and bill upon receipt thereof.

*Christopher's medical expenses are in the approximate amount of \$600.*

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**CARLTON GREGORY, SR.**

Carlton Gregory, Sr. is Carlton, Jr. and Julon's father. Mr. Gregory's motor vehicle was totaled in the subject collision and his *property damage loss is in the approximate amount of \$4,200.*

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. §§ 36-33-5 & 50-21-26. If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY:



\_\_\_\_\_  
Patrick R. Matarrese  
Attorney at Law

LTR\_1509:274237:ndls

cc: Carlton Gregory, Jr.